

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JAMES AND DORIS MURPHY	)	
	)	
COMPLAINANTS	)	
	)	
VS.	)	CASE NO. 9035
	)	
KENTUCKY UTILITIES COMPANY	)	
	)	
DEFENDANT	)	

O R D E R

The Public Service Commission ("Commission") received a complaint from James and Doris Murphy ("The Complainants") against the Kentucky Utilities Company ("KU") on April 11, 1984. The Complainants stated that they had received notice from KU that service would be terminated at their Howard Street residence in Glencoe, Kentucky, because they owed KU \$74.80 for service rendered to a mobile home in Warsaw, Kentucky, during the period of March through August 1981. The Complainants furthermore asked for a hearing and the following relief:

1. For a ruling that they were not responsible for services rendered from April through August 1981.

2. For an Order requiring KU to refund their \$30 deposit for services rendered at Warsaw, Kentucky, or alternatively, to credit it to their bill for service at their current address in Glencoe.

3. For an Order prohibiting KU from disconnecting their current service until the matter has been resolved.

The Complainants filed affidavits asserting that Doris Murphy and her mother-in-law, Ms. Berttie Murphy, had visited the KU office in Warsaw in March and April of 1981 to have service discontinued at their Warsaw residence. They were advised by a KU employee to have the new tenant come into KU's office and have the service placed in his name.

KU filed an affidavit by Ms. Louise Roberts, a former employee, in which she asserts that Ms. Berttie Murphy came into the KU office on May 27, 1981, to have service disconnected at the Complainants' Warsaw residence. Ms. Roberts prepared a service order to disconnect service as requested. After some discussion about transferring the service to a new tenant, Ms. Berttie Murphy requested that the service not be disconnected until the new tenant made an application for service. Ms. Roberts then voided the service order to disconnect.

The matter was set for hearing on June 13, 1984, in the Commission's offices at Frankfort, Kentucky, and all parties were present for presenting testimony and evidence and for the cross-examination of witnesses. Mr. James Murphy testified that he received mail at Post Office Box 295, Warsaw, Kentucky, during the time he resided in Warsaw and for some period of time after he moved. (Transcript of

Evidence ("T.E."), pp. 34-36). Mr. Robert T. Bethel, KU Service Manager, testified that bills for service were sent to P. O. Box 295, Warsaw, Kentucky, from the period of March to August 1981, and that none of the bills were returned by the post office (T.E., pp. 63, 70, 71).

The Commission, having considered the evidence of record and being advised, is of the opinion and finds that:

1. On May 27, 1981, Ms. Berttie Murphy requested that KU discontinue service to the Warsaw residence of James and Doris Murphy.

2. KU prepared a service order to disconnect service to James and Doris Murphy, but the order was voided at the request of Ms. Berttie Murphy.

3. KU provided service to the Murphys' Warsaw residence from February through August 1981.

4. From February through August 1981, KU sent monthly bills for electric service at the Murphys' Warsaw residence to Post Office Box 295, Warsaw, Kentucky.

5. From February through August 1981, James and Doris Murphy utilized Post Office Box 295, Warsaw, Kentucky, for purposes of receiving mail.

6. KU never received a valid request from the Murphys to disconnect service at their Warsaw residence, and the Murphy's receipt of bills through August, 1981, constituted constructive notice that service was being provided to them.

7. The Murphys are liable for \$74.80 owed to KU for service in 1981 at their Warsaw residence.

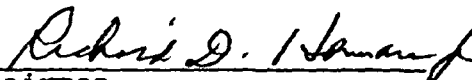
8. The Murphys are not entitled to a return of their \$30 deposit for service rendered at their 1981 residence in Warsaw because the deposit has been offset against their unpaid bill at that residence.

IT IS THEREFORE ORDERED that the complaint of James and Doris Murphy against KU be and it hereby is dismissed.

IT IS FURTHER ORDERED that James and Doris Murphy are liable for \$74.80 for service rendered by KU in 1981.

Done at Frankfort, Kentucky, this 3rd day of August, 1984.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

\_\_\_\_\_  
Secretary